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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,546	05/25/2001	Jeyhan Karaoguz	41044/SDB/B600	4796
23363	7590	11/02/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			MARTINEZ, DAVID E	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	

2181

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/866,546		KARAOGUZ ET AL.	
	Examiner		Art Unit	
	David E. Martinez		2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,10-14 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-14 and 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species 1, claims 1,2,10-14 and 16-25, in the reply filed on 9/30/05 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,10,11,13,14,16,17,19,20 and 25, are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,577,229 to Bonneau et al. (hereinafter Bonneau).

1. With regards to claim 1, Bonneau teaches a method for controlling and managing wireless network access for a wireless RF communication device, comprising the steps of:

sequentially scanning for polling messages from a plurality network masters of a plurality of time-synchronous RF networks to determine whether communications may be established with one of the networks [fig 11, column 18 line 44 to column 20 line 4];

receiving the polling messages [column 19 lines 26-42];

selecting, in accordance with a predefined criteria, one of the networks associated with one of the received polling messages [fig 11 element 1120, column 19 lines 43-48]; and

establishing communications between the wireless communication device and the selected network [fig 11 element 1120, column 19 lines 43-48].

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2. With regards to claim 2, it is of the same scope as claim 1 and thus is rejected under the same rationale.

3. With regards to claims 10 and 16, Bonneau teaches the method claim 1 comprising scanning a first network during a first scanning window and scanning a second network during a second scanning window [fig 11 element 1122, column 19 lines 49-58].

4. With regards to claims 11 and 17, Bonneau teaches the method claim 10 wherein the first scanning window comprises a first predefined time period and the second scanning window comprises a second predefined time period [fig 11 element 1122, column 19 lines 49-58].

5. With regards to claims 13 and 19, Bonneau teaches the method of claim 10 comprising performing multiple scans during first scanning window and performing multiple scans during the second scanning window [fig 11 element 1122, column 19 lines 49-58].

6. With regards to claims 14 and 20, the method of claim 13 wherein each of the multiple scans during each scanning window is performed for a predefined time period [fig 11 element 1122, column 19 lines 49-58].

7. With regards to claim 25, Bonneau teaches the method of claim 1 comprising using a common portion of an RF radio front end to communication with the networks [figs 1, 2, element 104].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 12 and 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,577,229 to Bonneau et al. (hereinafter Bonneau). In view of Operating Systems Internals and Design Principles 4th ed. by William Stallings (hereinafter Stallings).

8. With regards to claims 12 and 18, Bonneau teaches having windows having predetermined periods, as disclosed above, but he is silent as to the predefined time period of the first window being equal to the predefined time period of the second window. However, Stallings teaches using windows of equal predetermined time in order to be fair, and to prevent starvation [pages 402, 406-408].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Bonneau and Stallings to have the first predefined time period equal the second predefined time period in order to be fair, and to prevent starvation.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,577,229 to Bonneau et al. (hereinafter Bonneau). In view of US Patent No. 6,374,112 to Widegren et al. (hereinafter Widegren).

9. With regards to claims 21, 22, 23 and 24, Bonneau is silent as to the method of claim 1 wherein the predefined criteria comprises a user preference, relative bandwidth, relative quality wherein service, and relative content. However, Widegren teaches selecting an RF communication based on a user preference, relative bandwidth, relative quality wherein service, and relative content for the benefit to provide desirable features to the user while at the same time optimizing the communication between the elements [column 5 line 63 to column 6 line 21].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of both Bonneau and Widegren to have the predefined criteria comprise a user preference, relative bandwidth, relative quality wherein service, and relative

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content for the benefit to provide desirable features to the user while at the same time optimizing the communication between the elements.

Response to Arguments

Applicant's arguments with respect to claims 1,2, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEM

A handwritten signature in black ink, appearing to read 'Donald Sparks', is written over a horizontal line.

**DONALD SPARKS
SUPERVISORY PATENT EXAMINER**